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Approved For Release 2004/10/08 : CIA-RDP81M00980R002700130060-3

10 DEC 1977

Executive Registry
77-1692/14

MEMORANDUM FOR: Director of Central Intelligence

VIA: Acting Deputy Director of Central Intelligence

FROM: William W. Wells
Deputy Director for Operations

SUBJECT: Submission to the Special Coordination
Committee on Proposed Revisions in the
Presidential Finding on CIA's Covert Action
Infrastructure

1. Action Requested: Release, for distribution to the Special Coordination Committee (SCC), the attached submission dealing with two proposed revised Presidential findings prepared in coordination with the Department of Justice for the purpose of legally validating the funding and tasking of CIA's covert action infrastructure.

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take covert action operations in response to this requirement under the long-standing procedure of clearing covert action guidelines ("Perspectives") with the Department of State. In the course of interdepartmental discussion of this proposal, the Department of Justice (DOJ) objected to the use of the "Perspectives" coordination channel, insisting that a specific finding by the President for this undertaking was necessary in order (in its opinion) to comply with the provisions of the Hughes/Ryan amendment. In the course of this discussion, the DOJ challenged the legal validity of the "Perspectives" clearance procedure in general and recommended that a revised findings(s) for funding and tasking the infrastructure be submitted to the President. This issue was discussed at SCC meetings on 6 and 26 October 1977 which resulted in a decision to refer the [REDACTED]

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[REDACTED] proposal to the President for a specific finding.

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The DCI in subsequent discussion with members of the National Security Council (NSC) staff and the DOJ agreed to discussions between representatives of the DOJ and CIA's Office of General Counsel (OGC) and Covert Action Staff (CAS) for the purpose of formulating revised Presidential findings for the funding and tasking of the infrastructure. The attached SCC submission and the associated Presidential findings are the results of these negotiations.

3. Staff Position:

a. The proposed Presidential findings attached to the SCC submission were drafted by the DDO/CAS in consultation with the OGC after discussion with Mr. Kenneth Bass of the DOJ. These drafts were then submitted to Mr. Bass who undertook coordination within the DOJ. The draft findings were returned to us with suggested minor changes to clarify and enhance their legality. These changes have been incorporated into the proposed findings being submitted to the SCC.

b. Since this SCC submission deals with a legal issue rather than a substantive proposal involving intelligence judgments and resources issues, internal CIA coordination was limited to the OGC.

c. The DCI has asked that we consider the need to include in these proposed findings other activities covered in the World Wide section of the 10 January 1975 omnibus finding, including: operations to counter

[REDACTED]

traffic and foreign intelligence activities directed against the United States. We have not included these activities in the proposed revised findings because the DOJ has not challenged their validity. On the contrary, in a DOJ memorandum dated 4 November 1977 to the Assistant to the President for National Security Affairs on the subject of the World Wide finding, Mr. John Harmon, Assistant Attorney General, Office of Legislative Counsel, specifically stated that these activities could continue without the necessity of a new Presidential finding. A copy of this memorandum is attached herewith (see paragraph 3). Finally,

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it should be noted that although we did not include the other elements of the World Wide finding in the proposed revised findings, a number of the "Perspectives" summarized in the latter deal with these issues. This is the case because it has been our practice since the issuance of the World Wide finding to clear our guidelines with the Department of State on these issues despite the implicit authority to conduct covert action on these matters granted in the 10 January 1975 finding.

4. Recommendation: It is recommended that the attached submission be forwarded to the Special Coordination Committee.

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William W. Wells

Attachments, a/s

cc: ADDCI

CONCUR:

22 DEC 1977

Acting Deputy Director of Central Intelligence

Date

Approved for release to the
Special Coordination Committee:

Director of Central Intelligence

22 DEC 1977

Date

1. But I want additional action, pls. to get old world wide finding off the books
2. I favor Option 1 under B

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DDO/C/CAS/[] (14 December 77)

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Distribution:

Orig. - DCI for approval & return to O-C/CAS for
distribution of attachment to SCC

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